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ALEXANDRIA VA 22314

APR 28 2005

In re Application of:
Shirahata et al.
Serial No.: 09/825,339
Filed: April 4, 2001
Attorney Docket No.: ASA-811-02

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed June 18, 2003, to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. § 1.181. No fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the Office action mailed on October 2, 2002. A Notice of Abandonment was mailed on June 3, 2003.

Petitioner asserts that a response was timely filed by facsimile transmission on January 2, 2003. To support this assertion, petitioner has submitted 1) a copy of a response which bears a Certificate of Transmission under 37 C.F.R. § 1.8(a) dated January 2, 2003 and 2) a copy of the Auto-Reply from the USPTO confirming successful transmission of the response on January 2, 2003.

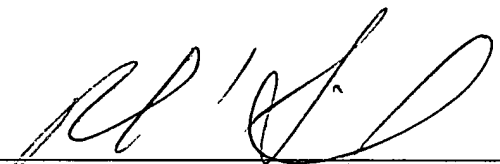
Pursuant to 37 C.F.R. § 1.8 correspondence will be considered timely if the party who forwarded such correspondence (1) informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and (3) includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The copy of the response submitted with the petition on June 18, 2003, is accepted since the response originally submitted was apparently lost.

The application file is being forwarded to the examiner of record for consideration of the response and prompt appropriate action.

Inquiries regarding this decision should be directed to Clayton E. LaBalle, Special Programs Examiner, at (571) 272-1594.



Richard K. Seidel, Director
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